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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 JOSE LUIS VELAZQUEZ and  
8 JEANETTE VELAZQUEZ,

9 Plaintiffs,

10 v.

11 MORTGAGE ELECTRONIC  
12 REGISTRATION SYSTEMS, INC., et  
al.,

13 Defendants.  
14

2:11-CV-576 JCM (CWH)

15 **ORDER**

16 Presently before the court is the matter of *Velazquez et al. v. Mortgage Electronic Systems,*  
17 *Inc. et al.*. This is a wrongful foreclosure action. On April 11, 2011, a temporary restraining order  
18 was issued. (Doc. # 11). Plaintiffs Jeanette Velazquez and Jose Luis Velazquez posted a \$5,000 bond  
19 as security for the temporary restraining order.<sup>1</sup> And on May 25, 2012, the court issued a preliminary  
20 injunction. (Doc. # 35). The preliminary injunction required the plaintiffs to post \$930.00 a month  
21 as additional bond payments. On October 23, 2012, this court entered summary judgment in favor  
22 of defendants. (Doc. # 104).

23 On November 19, 2012, plaintiffs submitted a proposed order for release of security for costs  
24 pursuant to NRS 18.130. (Doc. # 106). Plaintiffs' proposed order contemplates the clerk of the court  
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27 <sup>1</sup> The bond is to pay for costs or damages as may be incurred by any party who is found to have been wrongfully  
28 enjoined or restrained. (Doc. # 5, 1:17-22).

1 to release \$22,670 to plaintiffs.<sup>2</sup>

2 “A preliminary injunction is not a preliminary adjudication on the merits, but a device for  
3 preserving the status quo and preventing the irreparable loss of rights before judgment.” *Textile*  
4 *Unlimited, Inc. v. A.BMH & Co., Inc.*, 240 F.3d 781 (9th Cir. 2001) (citing *Sierra On-Line, Inc. v.*  
5 *Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984)).

6 Here, the preliminary injunction and bond were intended to prevent defendants from  
7 foreclosing on plaintiffs’ home while the parties were still litigating the matter. Now, plaintiffs have  
8 lost. At this point, the money posted by plaintiffs is to pay for any damage to defendants who have  
9 been wrongfully enjoined.

10 Thus, the court does not find releasing the total amount of money posted to obtain the  
11 preliminary injunction to plaintiffs proper.<sup>3</sup>

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs’ request for  
14 release of security for costs pursuant to NRS 18.130 (doc. # 106) be, and there same hereby is,  
15 DENIED.

16 DATED November 30, 2012.

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19 **UNITED STATES DISTRICT JUDGE**

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26 <sup>2</sup> The court, however, has reviewed the docket and it appears that the total amount posted by plaintiffs was  
27 \$21,740.

28 <sup>3</sup> If plaintiffs believe otherwise, a motion, briefed by both sides, is the proper venue to address this issue.